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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,238	11/26/2003	Sandy Ballard	23861.00	6125

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EXAMINER

HOEY, ALISSA L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,238

Applicant(s)

BALLARD, SANDY

Examiner

Alissa L. Hoey

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (shirt garment, claims 1-8) in the reply filed on 05/10/06 is acknowledged. The traversal is on the ground(s) that all the embodiments would not provide further burden on the examiner for search purposes. This is not found persuasive because three different garments are independently being claimed, a shirt, a pant and a dress/gown. All three of these garments are classified differently in class two and without a independent generic claim the embodiments of a pant and dress/gown are withdrawn from further considerations.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesch (US 5,084,914) in view of Stramiello (US 2,104,826).

In regard to claim 1, Hesch teaches a shirt and blouse with a front side and a back side (figures 1, 2, 4). A false front on the front side to aesthetically give an appearance of an actual front side of the shirt and blouse (column 2, lines 23-29). A means for fastening (27, 29) the shirt and blouse located on the back side of the shirt and blouse. A pair of elongated straps (27, 29) that extend from the shirt and blouse

that can be tied together to secure the shirt and blouse to the Alzheimer's' patient (figures 2 and 5).

However, Hesch fails to teach a pair of zip-off sleeves for added comfort.

Stramiello teaches a shirt having a pair of zip-off sleeves for added comfort (figures 1 and 2).

In regard to claim 8, Hesch teaches the means for fastening being a plurality of ties (27, 29).

It would have been obvious to have provided the shirt and blouse of Hesch with the zip-off sleeves of Stramiello, since the shirt and blouse of Hesch provided with zip-off sleeves would provide a garment that is not only a good garment for an invalid to prevent from undressing themselves, but also creates a garment that is more versatile that can be worn during all seasons with or without the sleeves depending upon temperature.

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesch in view of Stramiello as applied to claim 1 above, and further in view of Alfred (US 6,260,200).

In regard to claim 3, Hesch teaches the false front including false buttons (column 2, lines 21-29).

However, Hesch and Stramiello fail to teach the false front including false pockets, the means for fastening being a zipper, plurality of buttons, plurality of clasps or a plurality of hook and loop fasteners.

In regard to claim 2, Alfred teaches a garment which restricts unassisted disrobing having a false front including pocket means (column 5, lines 55-67 through column 6, lines 1-7).

In regard to claim 4, Alfred teaches two different fastening means in the back one being a zipper and one being capable of being ties (elongated straps) (column 4, lines 10-57).

In regard to claim 5, Alfred teaches two fastening means in the back one being a plurality of buttons and the other capable of being ties (elongated straps) (column 4, lines 10-57).

In regard to claims 6 and 7, Alfred teaches the means for fastening capable of being a plurality of clasps or hook and loop fasteners.

It would have been obvious to have provided the fastening means being any interchangeable or equivalent fastening means including zippers, clasps and hook and loop fasteners as desired based upon end use.

It would have been obvious to have provided the false front garment of Hesch and Stramiello with the additional back fastening means and false pockets of Alfred, since the garment of Hesch and Stramiello provided with additional back fastening means and false pockets would provide a garment that looks more like conventional garment and has back fastening means which are difficult to open if attempted by the user.

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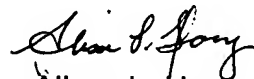
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Severance, Giberson, Wells, Lake, Royal, Hochman, Grassick, McFadden, Chung, Harlem, Rose, Hughes, Matthews, Oster and Graves are all cited to show closely related garment articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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